UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 APR 14 AM 11:15 CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1135

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No:
v.	)	COMPLAINT FOR VIOLATION OF
Alejandro MEZA-Fernandez Defendant.	)	Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **April 13, 2008**, within the Southern District of California, defendant **Alejandro MEZA-Fernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14TH** DAY OF **APRIL 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 13, 2008, at approximately 1850 hours, **Alejandro MEZA-Fernandez (Defendant)** attempted to enter the United States from Mexico via the San Ysidro Port of Entry pedestrian primary lanes. Defendant orally claimed to be a United States Citizen to a Customs and Border Protection (CBP) Officer but did not have any form of identification to support his claim. Defendant stated that his purpose for traveling to Mexico was to visit his family members and friends and that he was now going to Los Angeles. The CBP Officer suspected Defendant had made a false claim to United States citizenship and subsequently referred Defendant to secondary for further inspection.

In secondary, it was determined that Defendant is a citizen of Mexico without entitlements to enter or reside in the United States. A CBP Officer queried Defendant's fingerprints through the Integrated Automated Fingerprint Identification System (IAFIS). Results revealed Defendant had been previously deported.

Immigration Service records including the Deportable Alien Control System (DACS) identify Defendant as a deported alien. DACS information indicates that on or about September 14, 2004 an Immigration Judge ordered Defendant deported to Mexico. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.